

**IDAHO BOARD OF DRINKING WATER & WASTEWATER PROFESSIONALS**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 2/5/2020**

**BOARD MEMBERS PRESENT:** Michael W Shepherd - Chair  
Paul D Sifford  
Dr Joan M Cloonan  
Jerri Henry  
Stacy Stuart  
Michael S Parker

**BOARD MEMBERS ABSENT:** Daniel J Messier

**BUREAU STAFF:** Kelley Packer, Bureau Chief  
Dawn Hall, Deputy Bureau Chief  
Julie Eavenson, Administrative Support Manager  
Lori Peel, Investigative Unit Manager  
Nicholas Krema, General Counsel  
Eric Nelson, Board Prosecutor  
Dicsie Gullick, Board Specialist

**OTHERS PRESENT:** Craig Sturman, Idaho Rural Water Association  
Kelsie Cole, Idaho Rural Water Association

The meeting was called to order at 8:30 AM MST by Michael W Shepherd.

**INTRODUCTIONS**

Mr. Stuart introduced himself to the Board.

**APPROVAL OF MINUTES**

Mr. Parker made a motion to approve the minutes of November 6, 2019 and December 3, 2019. It was seconded by Mr. Sifford. Motion carried.

**COMPLAINT MEMORANDUM**

Ms. Peel gave the investigative report, which is linked above.

**EXECUTIVE SESSION**

Ms. Henry made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to discuss documents relating to the fitness of a licensee to retain a license or registration. It was seconded by Mr. Parker. The vote was: Ms. Henry, aye; Mr. Parker, aye; Mr. Sifford, aye; Dr. Cloonan, aye; Mr. Stuart, aye; and Mr. Shepherd, aye. Motion carried.

Dr. Cloonan made a motion to come out of executive session. It was seconded by Mr. Sifford. Motion carried.

## **FOR BOARD DETERMINATION**

Dr. Cloonan made a motion to authorize closure in case number WWP-2020-2 with an advisory letter and to forward it to the Division of Building Safety. It was seconded by Mr. Parker. Motion carried.

## **BUREAU BUSINESS**

## **LAWS AND RULES**

Ms. Packer presented a legislative update. The Board's rules have made it through both houses. She also said that there has been a moratorium placed on rules, but since the Board is one of the fifteen Boards that will be doing a full rules review this year, they are exempt.

Ms. Cloonan made the following motion: Pursuant to Section 67-5226, Idaho Code, the Governor has found that temporary adoption of these rules is appropriate to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens.

These rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws.

The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules.

The Governor has also found that the fees being imposed are justified and necessary to avoid immediate danger to the Idaho Board of Water and Wastewater Professionals' budget, to the state budget, to necessary state functions and services, and to avoid immediate danger of a potential violation of Idaho's constitutional requirement that it balance its budget.

Therefore, we are adopting these temporary rules to be effective upon *sine die* of the 2020 session of the Idaho Legislature. The approval is conditional and will only become effective if the rules are not otherwise approved or rejected by the Legislature and/or not extended pursuant to the Idaho Administrative Procedure Act, including Sections 67-5291 and 67-5292, Idaho Code.

It was seconded by Mr. Parker. Motion carried.

## **FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$315,049.02 as of December 31, 2019.

## **SUBCOMMITTEE REPORT**

Ms. Henry gave a report regarding grandparenting licenses and very small wastewater and very small water licenses. There are some changes regarding these licenses that may be coming from the Department of Environmental Quality that could affect the Board and the rules subcommittee is continuing to work on potential wording for the rules.

Mr. Parker gave a report regarding the work of the subcommittee for establishing a code of ethics for operators. Dr. Cloonan will join the subcommittee and Mr. Parker will be stepping down as members work on incorporating the operator code of ethics into the existing backflow assembly tester code of ethics.

## **DISCUSSION REGARDING POSSIBLE STATUTE CHANGES**

The Board brought up its intention to propose legislation removing term limits for Board members the next time that legislation is proposed.

## **DISCUSSION REGARDING RESPONSIBLE CHARGE TIME**

The Board discussed how responsible charge time is defined in the rules. Mr. Sifford made a motion to direct the Bureau to modify the application for Class III and IV licensure and submit to the Board chair for approval. It was seconded by Mr. Parker. Motion carried.

## **TO DO LIST**

The Board reviewed the To Do List and no action was taken.

**NEXT MEETING** was scheduled for May 6, 2020 at 8:30 AM MDT.

## **BOARD BUSINESS**

## **WATER/WASTEWATER APPRENTICESHIP PROGRAM**

Ms. Cole presented the Board with an update on the Idaho Rural Water Association's (IRWA) apprenticeship program. The program has enrolled 10 apprentices, with one more joining in a couple of weeks. IRWA has been working on editing its standards to comply with the federal standards and working on their required curriculum.

## **CONFERENCE UPDATES, ATTENDANCE AND DUES**

The Board reviewed an invoice from the Association of Boards of Certification (ABC) for yearly dues. Dr. Cloonan made a motion to authorize the Bureau to pay the invoice. It was seconded by Mr. Parker. Motion carried.

## **CORRESPONDENCE**

The Board reviewed correspondence from ABC regarding updated 2019 exams. Mr. Shepherd pointed out that ABC has made exams available for review. Mr. Parker made a motion to direct Ms. Gullick to order all possible drinking water, wastewater and backflow assembly tester exams and submit them to the Board for review. It was seconded by Mr. Sifford. Motion carried.

Dr. Cloonan made a motion to update the website with any pertinent information regarding the exam.

Mr. Stuart made a motion to direct Ms. Gullick to order the 2019 exam statistics from ABC as soon as possible. It was seconded by Dr. Cloonan. Motion carried.

## **CONFERENCE UPDATES, ATTENDANCE AND DUES**

Mr. Shepherd, Mr. Stuart and Ms. Gullick gave brief reports on their Association of Boards of Certification (ABC) Annual Conference attendance.

## **DISCUSSION REGARDING CONTRACT OPERATOR HOURS**

The Board discussed contract operator hours and the documentation required by the Board for applications. The Board determined that experience obtained by contract operators needs to be documented by the facilities where the experience or responsible charge time has been accrued. The Board also determined that experience that has been previously approved by the Board, even if signed off by a contractor, will still count toward licensure in the future. However, moving forward, all experience must be documented by the facilities.

## **CE COURSES**

APPROVED

BOISE CITY PUBLIC WORKS DEPARTMENT  
PHOSPHORUS MANAGEMENT AT THE TWENTY MILE SOUTH FARM

CITY OF BOISE  
PLC PROGRAMMING AND COMPUTER INTERFACING

CITY OF MOSCOW WATER DEPARTMENT  
HOW WATER TOWERS WORK  
LADDER SAFETY

IDAHO POWER  
PUMPING ENERGY EFFICIENCY & WATER OPTIMIZATION

IDAHO RURAL WATER ASSOCIATION  
WASTEWATER TREATMENT TECHNOLOGIES  
WATER TREATMENT I AND II CERTIFICATION REVIEW  
2020 SPRING CONFERENCE

## **EXECUTIVE SESSION**

Ms. Henry made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to consider documents relating to the fitness of an applicant to be granted a license or registration. It was seconded by Mr. Parker. The vote was: Ms. Henry, aye; Mr. Parker, aye; Dr. Cloonan, aye; Mr. Sifford, aye; Mr. Stuart, aye; and Mr. Shepherd, aye. Motion carried.

Mr. Sifford made a motion to come out of executive session. It was seconded by Mr. Parker. Motion carried.

## **APPLICATIONS**

Dr. Cloonan made a motion to approve the Idaho Rural Water Association Apprenticeship Program and accept the hours that have been accrued by those currently enrolled in the program. It was seconded by Mr. Parker. Motion carried.

Dr. Cloonan made a motion to approve the following pending receipt of additional information and review by a Board member:

901162324  
901048808  
901135967

It was seconded by Ms. Henry. Motion carried. Mr. Parker was recused from discussion and voting.

Dr. Cloonan made a motion to approve the following for examination:

901172255

It was seconded by Ms. Henry. Motion carried. Mr. Parker was recused from discussion and voting.

Dr. Cloonan made a motion to approve the following for examination:

901131027

901111708

901144069

It was seconded by Ms. Henry. Motion carried. Mr. Stuart was recused from discussion and voting.

Dr. Cloonan made a motion to approve the following for examination:

901089927

It was seconded by Mr. Parker. Motion carried. Mr. Sifford was recused from discussion and voting.

Dr. Cloonan made a motion to approve the following for licensure:

STANAWAY DAVID  
KUTA JACOB GRANT  
WASSMUTH KYLE

BAT-23806  
DWD1-23830  
DWD1-23791

It was seconded by Mr. Sifford. Motion carried.

Dr. Cloonan made a motion to approve the following for examination:

901108335

901172254

901172254

901133013

901144069

901136708

901111708

901135554

901172175

901074131

901172513

901147850

901146054  
901139924  
901170754  
901136839  
901114386  
901143999  
901105465  
901165204  
901141562  
901054664  
901135967  
901172255  
901172374  
901089927  
901131027  
901131027  
901136665  
901108335  
901125721  
901130909  
901139920  
901146486

It was seconded by Mr. Sifford. Motion carried.

Dr. Cloonan made a motion to approve the following pending receipt of additional information and review by a Board member:

901140094  
901150932  
901141562  
901125721

It was seconded by Mr. Sifford. Motion carried.

## **ADJOURNMENT**

Mr. Sifford made a motion to adjourn the meeting at 1:50 PM MST. It was seconded by Dr. Cloonan. Motion carried.

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Michael W Shepherd, Chair

